

REMARKS/ARGUMENTS

Claims 3, 8, 17 and 18 are objected to because of the following formalities: Please spell out "VIN" recited in those claims. The Applicant has spelled out the acronym for VIN as "vehicle identification number" in claims 3, 8, 17, 18 and 29. The Applicant has also spelled out the acronym for ESN as "electronic serial number" in claim 27.

Claims 3, 4 and 5 are rejected under 35 USC 112, second paragraph. Claims 3, 4 and 5 recite the limitation "said second wireless communication device". There is insufficient antecedent basis for this limitation in the claims. The Applicant has amended claims 1, 3-6, 13-14 and 23, 24 to provide antecedent basis for "said second wireless communication device".

Claims 1, 4, 7, 11 and 13 are rejected under 35 USC 102(b) as being anticipated by Perkins (EPO 0483547 A1). In short, the novelty provision of 35 U.S.C 102(b) denies patentability when "the invention" was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States. It is well established, however, to "anticipate," pursuant to 102 (b), a single prior art reference must disclose each limitation of a claimed invention or its equivalents functioning in essentially the same way as arranged in the claim.

As amended, each claim in the present application recites, or depends from claims which recite:

...receiving a message, comprising an authentication code for said wireless communication device and an operation to be performed by the wireless communication device, from a second communication device via said dynamic address, wherein said unique identifier and said authentication code of said wireless communication device is stored in a memory of said second communication device; and

if said authentication code received in said message is valid, performing said operation indicated in said message at said wireless communication device.

The present invention enables the location and transfer of control/data information to a communication device having a dynamic address (page 4, lines 1-3). In the present invention, the unique identifier and the authentication code of a first wireless communication device is stored in the memory of a second wireless communication device. Upon providing the unique identifier and the authentication code of the first wireless device, the second wireless communication device is able to communicate with the first wireless communication device via the dynamic address assigned to the first wireless communication device.

While Perkins relates to dynamic IP address, a careful reading of this reference fails to disclose the wireless communication device receiving a message, comprising an authentication code for said wireless communication device and an operation to be performed by the wireless communication device, from a second communication device via said dynamic address, wherein said unique identifier and said authentication code of said wireless communication device is stored in a memory of said second communication device; and if said authentication code received in said message is valid, performing said operation indicated in said message at said wireless communication device.

Perkins allocates a plurality of IP addresses to a global gateway¹⁸. These allocated IP addresses are subsequently dynamically assigned by the global gateway to requesting mobile units, either on a temporary basis or on a permanent, extended basis. At the termination of a session(s), the IP address is returned to the global gateway for subsequent reassignment to the same or another mobile unit. These assigned IP addresses are referred to as pseudo-IP addresses (col. 5, lines 29-47).

In operation, when a mobile unit enters a LAN cell, it directs a message to the local gateway to activate a pseudo-IP address for the mobile unit. The mobile unit identifies itself to the local gateway by transmitting a unique identifier that is permanently stored within a memory of the mobile unit. (col. 6, line 51 – col. 7 line 7). When a remote user wants to communicate with the mobile unit, the remote user consults a network server to receive the pseudo-IP address of the mobile unit.

Perkins, however, fails to teach, suggest or make obvious the remote user having stored in its memory the unique identifier and the authentication code of the mobile unit, such that the mobile unit receives a message, which includes the authentication code for the mobile unit, from the remote user via the dynamic address. Additionally, Perkins fails to teach, suggest or make obvious that if the authentication code is valid, that the mobile device performs an operation indicated in the message.

Based upon this lack of teaching, the Applicant insists that Perkins fails to describe the invention of the present application. Since Perkins fails to disclose essential limitations of the claimed invention; namely, the steps of receiving and performing, there is no anticipation under 35 U.S.C. 102, because the exclusion of a claimed element from the prior art reference is enough to negate anticipation by that reference. For these reasons, the Applicant asserts that the claims in the present application are not anticipated by Perkins and may therefore be passed to allowance.

Claims 2-3, 5-6, 8-10, 12, 14-26 and 29-35 are rejected under 35 USC 103(a) as being unpatentable over Perkins in view of Holmes (USPN 6,751,475 B1). Claims 27 and 28 are rejected under 35 USC 103(a) as being unpatentable over Perkins in view of Holmes and further in view of Maggenti (US2003/0072450). The arguments above apply to the Examiner's rejection under 35 USC 103(a) as well.

Since claims 1, 15, and 25 are believed to be allowable, all claims that depend there from contain the limitations of these allowable claims and merely recite additional limitations that should not preclude patentability.

As the Applicant believes that the amendments overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, the Applicant contends that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, the Applicant respectfully solicits allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative at (847) 576-0741.

The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

Respectfully submitted,
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